



**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

JAKE LEE,

Plaintiff(s),

v.

MIKE'S NOVELTIES, INC., et al.,

Defendant(s).

Case No. LA CV10-02225 JAK (JCx)

VERDICT FORM

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VERDICT FORM

When answering the following questions and filling out this Verdict Form, please follow the directions provided throughout the form. Your answer to each question must be unanimous. Some of the questions contain legal terms that are defined and explained in detail in the Jury Instructions. Please refer to the Jury Instructions if you are unsure about the meaning or usage of any legal term that appears in the questions below.

We, the jury, unanimously agree to the answers to the following questions and return them under the instructions of this court as our verdict in this case.

INFRINGEMENT

(The questions regarding infringement should be answered regardless of your findings with respect to the validity or invalidity of the patent.)

- 1. HAS PLAINTIFF PROVEN BY A PREPONDERANCE OF THE EVIDENCE THAT DEFENDANT HAS INFRINGED ANY ASSERTED CLAIM OF U.S. PATENT NO. 6,418,936 ('936 PATENT)?**

Answer the following question regarding infringement of the '936 Patent with "Yes" or "No". A "Yes" is a finding for Plaintiff. A "No" is a finding for Defendant.

Yes X No _____

- 2. IF YOU FOUND THAT DEFENDANT INFRINGED ANY ASSERTED CLAIM OF THE '936 PATENT, HAS PLAINTIFF PROVEN THAT IT IS HIGHLY PROBABLE THAT DEFENDANTS' INFRINGEMENT WAS WILLFUL?**

Answer the following question regarding willful infringement with a "Yes" or "No". A "Yes" is a finding for Plaintiff. A "No" is a finding for Defendant.

Yes X No _____

- 2.1 HAS JAKE LEE PROVEN THAT IT IS MORE LIKELY THAN NOT: (I) THAT ^{yes} MIKE'S NOVELTIES, INC. INFRINGED ANY ASSERTED CLAIM OF JAKE LEE'S PATENT; (II) THAT MANISCH CHANDER TOOK ACTION THAT ^{yes} ACTUALLY INDUCED THAT INFRINGEMENT BY MIKE'S NOVELTIE'S, INC.; AND (III) THAT MANISCH CHANDER WAS AWARE OF THE PATENT ^{yes} AND BELIEVED THAT HIS ACTIONS WOULD ENCOURAGE INFRINGEMENT OF A VALID PATENT, OR ALTERNATIVELY THAT HE WAS WILLFULLY BLIND AS TO WHETHER HIS ACTIONS WOULD ENCOURAGE INFRINGEMENT OF THE PATENT?**

1 *Answer the following question regarding inducing infringement with a "Yes" or "No".*
2 *A "Yes" is a finding for Plaintiff. A "No" is a finding for Defendant.*

3 Yes X No _____
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INVALIDITY

(These questions regarding invalidity should be answered regardless of your findings with respect to infringement.)

A. Written Description Requirement

3. HAS DEFENDANT PROVEN THAT IT IS HIGHLY PROBABLE THAT THE SPECIFICATION OF THE '936 PATENT DOES NOT CONTAIN AN ADEQUATE WRITTEN DESCRIPTION OF PLAINTIFF'S INVENTION?

Answer the following question regarding invalidity with a "Yes" or "No". A "Yes" is a finding for Defendant. A "No" is a finding for Plaintiff.

Yes ~~_____~~ No X

B. Enablement

4. HAS DEFENDANT PROVEN THAT IT IS HIGHLY PROBABLE THAT THE SPECIFICATION OF THE '936 PATENT DOES NOT CONTAIN A DESCRIPTION OF PLAINTIFF'S INVENTION THAT IS SUFFICIENTLY FULL AND CLEAR TO ENABLE PERSONS OF ORDINARY SKILL IN THE ART IN THE FIELD TO MAKE AND USE THE INVENTION?

Answer the following question regarding invalidity with a "Yes" or "No". A "Yes" is a finding for Defendant. A "No" is a finding for Plaintiff.

Yes _____ No X

C. Best Mode

5. HAS DEFENDANT PROVEN THAT IT IS HIGHLY PROBABLE THAT THE '936 PATENT DOES NOT DISCLOSE WHAT THE INVENTOR BELIEVED WAS THE BEST WAY TO CARRY OUT THE CLAIMED INVENTION AT THE TIME THE PATENT APPLICATION WAS FILED?

Answer the following question regarding invalidity with a "Yes" or "No". A "Yes" is a finding for Defendant. A "No" is a finding for Plaintiff.

Yes _____ No X

D. Anticipation

6. HAS DEFENDANT PROVEN THAT IT IS HIGHLY PROBABLE THAT CLAIM 1 OF THE '936 PATENT WAS "ANTICIPATED" OR, IN OTHER WORDS, NOT NEW?

*Answer the following question regarding invalidity with a "Yes" or "No".
A "Yes" is a finding for Defendant. A "No" is a finding for Plaintiff.*

Yes _____ No X

If the answer is "Yes", check any reason below that is applicable:

_____ Plaintiff's invention was already patented or described in a printed publication somewhere in the world before the date of conception.

_____ Plaintiff's invention was already described in another issued U.S. patent that was based in a patent application filed before the date of conception.

_____ Plaintiff did not invent the claimed invention but instead learned of the claimed invention from someone else.

7. HAS DEFENDANT PROVEN THAT IT IS HIGHLY PROBABLE THAT CLAIM 11 OF THE '936 PATENT WAS "ANTICIPATED" OR, IN OTHER WORDS, NOT NEW?

*Answer the following question regarding invalidity with a "Yes" or "No".
A "Yes" is a finding for Defendant. A "No" is a finding for Plaintiff.*

Yes _____ No X

If the answer is "Yes", check any reason below that is applicable:

_____ Plaintiff's invention was already patented or described in a printed publication somewhere in the world before the date of conception.

_____ Plaintiff's invention was already described in another issued U.S. patent that was based in a patent application filed before the date of conception.

_____ Plaintiff did not invent the claimed invention but instead learned of the claimed invention from someone else.

E. Statutory Bar**8. HAS DEFENDANT PROVEN THAT IT IS HIGHLY PROBABLE THAT THE '936 PATENT WAS NOT FILED WITHIN THE TIME REQUIRED BY LAW?**

Answer the following question regarding invalidity with a "Yes" or "No". A "Yes" is a finding for Defendant. A "No" is a finding for Plaintiff.

Yes _____ No X

If the answer is "Yes", check any reason below that is applicable:

_____ Plaintiff's invention was sold or offered for sale in the United States more than one year before the priority date of the '936 Patent.

_____ Plaintiff's invention was in public use in the United States more than one year before the priority date of the '936 Patent and the use was not primarily an experimental use controlled by the Plaintiff and to test whether the invention worked for its intended purpose.

F. Obviousness**9. HAS DEFENDANT PROVEN THAT IT IS HIGHLY PROBABLE THAT THE COMBINATION OF THE ELEMENTS RECITED IN ANY ASSERTED CLAIM, WITH THE ELEMENTS RECITED IN THE INDEPENDENT CLAIM REFERENCED BY THAT ASSERTED CLAIM, IS OBVIOUS, MAKING THAT CLAIM INVALID?**

(Answer the following question regarding invalidity of the '936 Patent with "Yes" or "No". A "Yes" is a finding for Defendant. A "No" is a finding for Plaintiff.)

Yes _____ No X

If any claim has been found invalid for obviousness, please list all claims found invalid for obviousness:

G. Inventorship**10. HAS DEFENDANT PROVEN THAT IT IS HIGHLY PROBABLE THAT THE '936 PATENT FAILS TO NAME ALL ACTUAL INVENTORS.**

Answer the following question regarding invalidity with a "Yes" or "No". A "Yes" is a finding for Defendant. A "No" is a finding for Plaintiff.

Yes _____ No X

FINDINGS ON DAMAGES (IF APPLICABLE)

(If you answered question 1 "Yes" and questions 3, 4, 5, 6, 7, 8, 9, and 10 "No", then proceed to answer the remaining questions. If you did not so answer, do NOT answer the remaining questions and proceed to check and sign the verdict form.)

11. **WHAT LOST PROFITS, IF ANY, DID PLAINTIFF SHOW IT MORE LIKELY THAN NOT SUFFERED OR WILL SUFFER AS RESULT OF DEFENDANTS' INFRINGEMENT?**

\$ 40,000

12. **FOR THOSE INFRINGING SALES FOR WHICH PLAINTIFF HAS NOT PROVED ITS ENTITLEMENT TO LOST PROFITS, WHAT AMOUNT HAS IT PROVED IT IS INTITLED TO AS A REASONABLE ROYALTY?**

\$ 0

You have now reached the end of the verdict form and should review it to ensure it accurately reflects your unanimous determinations. The Presiding Juror should then sign and date the verdict form in the spaces below and notify the Security Guard that you have reached a verdict. The Presiding Juror should retain possession of the verdict form and bring it when the jury is brought back into the courtroom.

DATED: 12/20/11

Signed By: **REDACTED VERDICT FORM AS TO
FOREPERSON SIGNATURE**